

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, August 26, 2009**

1. Call to Order:

Commissioner Preston Hicks, Chairperson called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

Steve Barker	Preston Hicks	Chip Spranger
Mark Behnke(Mayor)	William Morris	John Stetler
Jan Frantz	Ed Scheinfeldt	

Excused: Chris Simmons

Staff Present: Jill Steele, Assist. City Attorney
Glenn Perian, Senior Planner
Leona Parrish, Administrative Assistant

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes:

Meeting Minutes of August 5, 2009.

**A MOTION WAS MADE BY COMMISSIONER FRANTZ, SUPPORTED BY
COMMISSIONER SPRANGER TO APPROVE THE PLANNING COMMISSION
MEETING MINUTES FOR AUGUST 5, 2009 AS PRESENTED. VOTE ON MOTION;
ALL IN FAVOR; NONE OPPOSED MOTION APPROVED.**

5. Correspondence: None

6. Public Hearing:

- A. SPECIAL USE PERMIT (#S-04-09): Petition from Maple United Methodist Church, Pat Brockwell, Trustee, 342 Capital Avenue, N.E., Battle Creek, MI 49017, on behalf of Southern Michigan Bank & Trust; requesting a Special Use Permit of the following described property to expand the church parking lot as permitted under the Planning and Zoning Code, Chapter 1290, Section 1290.01(b)(23) for property located at 328 Capital Avenue, N.E., Battle Creek, MI 49017, Parcel #1650-00-003-0 and is legally described as: CHAS MERRITTS 2ND ADD NLY 148.5 FT OF LOT 2, EXC ELY 27.5 FT THEREOF**

Commissioner Hicks stated the petition for the record and opened the Public Hearing.

Mr. Glenn Perian read the Planning Department Staff Report; noted the Planning Department recommends approval for the expansion of the church parking lot based on the general standards

and (4) conditions of approval noted on page 7 in this staff report for property located at 328 Capital Avenue, N.E., as permitted under Chapter 1290.01(b)(23).

Mr. Perian stated this (6) unit apartment property is currently on the City's Dangerous Building and Vacant /Abandoned Buildings list with having recorded code violations since at least the year 2001. The church intends to provide an additional 25 parking spaces to their current 41 off-street spaces. Said the church indicated that the proposed parking addition would not only benefit the church, but also improve the neighborhood as a whole by eliminating a problem property. Noted the church has met with and has the approval and support from the Neighborhood Planning Council and Historic District Commission for this project.

Ms. Pat Brockwell, 155 Kiesler Rd., Trustee for Maple United Methodist Church came forward to speak stating their church as been in existence at that location for 100 years. During that time they have expanded and need additional parking space to get the cars off of the street. Said this home being vacant and abandoned is an opportunity for them to expand. Ms. Brockwell noted their church does participate in a Food Pantry and also have different groups that meet at the church and they support within the community; therefore this additional parking would be helpful. Said they also have the support of the Neighborhood Planning Council.

Commissioner Morris thanked the church for the services they provide for the community and did a good job on their application.

Having no further public comments the public hearing was closed.

7. **Old Business:** None

8. **New Business:**

- A. **SPECIAL USE PERMIT (#S-02-09):** Petition from Maple United Methodist Church, Pat Brockwell, Trustee, 342 Capital Avenue, N.E., Battle Creek, MI 49017, on behalf of Southern Michigan Bank & Trust; requesting a Special Use Permit of the following described property to expand the church parking lot as permitted under the Planning and Zoning Code, Chapter 1290, Section 1290.01(b)(23) for property located at 328 Capital Avenue, N.E., Battle Creek, MI 49017, Parcel #1650-00-003-0

A MOTION WAS MADE BY COMMISSIONER SCHEINELDT, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE PETITION #S-04-09 SPECIAL USE PERMIT TO EXPAND THE CHURCH PARKING LOT BASED ON GENERAL STANDARDS AND CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT; FURTHER MORE ADOPT AS THEIR FINDINGS THE RECOMMENDATIONS CONTAINED AND OUTLINED IN THE STAFF REPORT AS A BASIS OF DETERMINATION FOR PROPERTY LOCATED AT 328 CAPITAL AVENUE, N.E.

Discussion:

Commissioner Barker asked if the city was to pay for the cost of the demolition. Mr. Perian stated he understands the church will be taking it on.

Mayor Behnke stated he understands that there is an arrangement that the monies for the demolition would come from the Federal Stimulus Funds given to the City of Battle Creek. Said the usual process is a lien would be placed on that property by the city for the cost of the demolition. If the church ever desires to sell this property they would have to relieve the lien for the cost of the demolition which is approximately 8,000 dollars.

Commissioner Barker said the city is paying for the demolition and would not be reimbursed unless the church sells the property.

Mayor Behnke stated that anytime the city demolishes a property they place a lien on that in an event that property is ever sold it would then have to be satisfied. This is a unique situation where they are working with the church. He believes the church is paying the bank on the loan for the property.

Commissioner Frantz said it might not be necessary to divulge the financial circumstances.

Commissioner Morris disagrees and feels it is important to know the financial information if the city is to acquire any cost, feels it is an appropriate question.

Commissioner Hicks asked the commissioners if they were comfortable that the City Commission deal with the budget and financial matters. (Commissioners were all in agreement)

Ms. Jill Steele called a point of order; stated the commission needs to note the basis for determination need to be adopted as the findings as it was not contained within the motion. Asked if it could be added as stated in (a) through (h) as the findings to be adopted.

It was all agreed and noted for the record to add to the motion the basis for determination to be adopted as the findings stated in (a) through (h).

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED MOTION APPROVED.

9. Comments by the Public: None

10. Comments by the Staff and Commission Members:

Commissioner Barker stated regarding the court of appeals opinion on the Charter Township and found it was informative. Noted regarding the bylaws provided previously; understands they are under revision and should be consistent. He noted the inconsistencies found in the current Planning Commission By-laws such as Dates of Election of Officers and question regarding who votes two officers in.

Ms. Jill Steele is aware of those inconsistencies; that a new Planning Supervisor will be on board next month and wanted to wait for any final presentations until that person has arrived in order to provide input to the revision of the Planning Commission By-laws.

Commissioner Scheinfeldt said he agrees with Commissioner Barker and that the City Attorney's Office is also working on updating things based upon the Michigan Planning Enabling Act, and

it would be logical to marry up our bylaws with what they come up with under the implementation of the MPEA for comment.

Ms. Jill Steele stated yes, the ordinance, bylaws for both the Planning Commission and Zoning Board of Appeals.

Commissioner Hicks stated he would like to know more about the budget process for the Capital Improvement process; how it is developed and what role the Planning Commission should have in that process.

Commissioner Barker stated in the past they had always approved the 5-year Capital Improvement Budget and had always been troubled because of having a lack of understanding. He also would like to be educated and have a better understanding of that process.

Mayor Behnke stated he appreciates Commissioner Barker's concerns with the document that on an annual basis is approved. Said as much as they would like to be involved in the initial process of determining the Capital Improvement projects; they need to be more aware of what the administration is accumulating and putting in place and rely upon them to do the job that they need to do. He is aware that it is important that they have a good working knowledge of it, but is more time consuming than ever before to get everyone up to speed. There was a workshop held last May which everyone was not able to attend and he will ask administration to work with the Planning Commission to help them have a better understanding.

Mayor Behnke wanted to apologize to everyone if he caused any confusion regarding the church petition today; said he has been working on this particular property for many years and wanted to thank the Maple United Methodist Church for working with this property in cleaning it up, as it has been a blight and will be very happy to see it demolished as it has been a concern for that neighborhood for some time.

Commissioner Scheinfeldt noted regarding the Capital Improvement process; he had met with Mr. Jim Ritsema on more than one occasion and understand where Commissioner Barker is coming from is that they understand the process and how the Planning Commission fit in that process. Said there is opportunity for them as individuals to get plugged in as long as they know the process and that it is the administrations responsibility that go through a long process. Said it would help the Planning Commission when the time comes to make their official actions.

11. Adjournment:

The meeting adjourned at 4:22 P.M.

Respectfully Submitted,
Planning Department
Battle Creek City Planning Commission